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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,243	01/04/2002	Edward Balassanian	3802-4059	7305

7590 12/27/2005  
Morgan & Finnegan, L.L.P.  
3 World Financial Center  
New York, NY 10281

EXAMINER
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PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,243

Applicant(s)

BALASSANIAN, EDWARD

Examiner

Ryan F. Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-25 have been examined.

#### ***Response to Amendment***

2. This communication is responsive to Amendment B, filed 11/28/2005. Claims 1-25 are pending in this application. Claims 1,11 are independent claims.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crites et al ("Crites", US 6,097,380) in view of Palm et al ("Palm", US 2001/0042107).

As per claim independent claim 1, Crites discloses a method in a computer system for specifying media to be rendered at appliances, the method comprising: identifying media sources (Column 4 lines 27-53) receiving a definition of a plurality of activities, each activity specifying an appliance and a media source (Column 5 lines 12-22) displaying an indication of activities(Column 6 lines 12-22); receiving selection of an

activity (Column 5 lines 36-65) indicating that media associated with the media source of the selected activity is to be rendered on the appliance of the selected activity (Figure 7), and displaying a media bar for controlling the rendering of the media on the appliance of the selected activity (Column 5 lines 45-65). Crites teaches rendering the media through different APIs, but fails to distinctly point out appliances available to render media. However, Palm teaches a network with appliances available to render media (Figure 1). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Palm with the method of Crites. Motivation to do so would have been to render the media on the appliances instead of the APIs in order to provide a faster and independent foundation for consumers to listen to and view digital media.

5. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crites et al ("Crites", US 6,097,380) and Palm et al ("Palm", US 2001/0042107) in view of Windows Media Player v.7.00 ("wmp7").

As per claim 2, which is dependent on claim 1, Crites-Palm fails to disclose the details of a main media bar. However, wmp7 teaches a method wherein the media bar includes a main control button (Figure 1 item 10) a forward button (Figure 1 item 50), a fast forward button (Figure 1 item 40), a back button (Figure 1 item 20), and a fast back button (Figure 1 item 30). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of wmp7 with the method of Crites-Palm.

Motivation to do so would have been to provide a simple to use interface with all of the proper buttons to navigate and operate the media.

As per claim 3, which is dependent on claim 2, Crites-Palm-wmp7 discloses a method wherein the buttons have the same relative position regardless of the selected activity (wmp7, Figure 3 and Figure 4; *wherein figure 3 is an audio player and figure 4 is a video player, Crites, Column 5 lines 36-67, Column 6 lines 1-11*).

As per claim 4, which is dependent on claim 2, Crites-Palm-wmp7 discloses a method wherein each button has a button icon that is customized to the selected activity (*Crites, Column 5 lines 36-67, Column 6 lines 1-11*).

As per claim 5, which is dependent on claim 2, Crites-Palm-wmp7 discloses a method wherein the main control button supports play (wmp7, Figure 1 item 10) and pause (wmp7, Figure 3 item 310) functions.

As per claim 6, which is dependent on claim 2, Crites-Palm-wmp7 fails to distinctly point out circular buttons and the specific positioning of the buttons wherein the forward and fast forward buttons are right of the main control button and the back and fast back buttons are left of the main control button. However, Official Notice is taken that circular buttons and positioning of buttons is merely a design choice and is notoriously well known in the art examples of which are: Figure 5 wherein a "skin" is applied to windows media player to alter the look and feel of the player, or Figure 33 of EP 0 637 157 A2. Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Crites-Palm-wmp7 with the current teachings. Motivation to do so would have been to make the interface more aesthetically pleasing.

As per claim 7, which is dependent on claim 2, Crites-Palm-wmp7 discloses a method wherein the media bar further includes an add activity button (wmp7, Figure 6 item 650) and a delete activity button (wmp7, Figure 6 item 660).

As per claim 8, which is dependent on claim 2, Crites-Palm-wmp7 discloses a method wherein the media bar includes a toggle view button (wmp7, Figure 1 item 60).

As per claim 9, which is dependent on claim 1, Crites-Palm-wmp7 discloses a method including displaying a list of active activities along with the media bar (wmp7, Figure 8 item 830).

As per claim, 10, which is dependent on claim 1, Crites-Palm-wmp7 discloses a method wherein the media bar is similar in appearance to physical controls of a device (wmp7, Figure 1 items 10-50; *wherein controls are similar to those of a traditional cd player*).

6. Claims 11,12,17,18,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crites et al ("Crites", US 6,097,380) and Palm et al ("Palm", US 2001/0042107) in view of Hatakeyama ("Hatakeyama", EP 0 883 320 A2).

As per claim independent claim 11, Crites-Palm discloses a method in a computer system for providing a media bar to control rendering different types of media onto appliances, the method comprising: identifying media for rendering on an appliance, the media having a media type (Crites, Figure 7); retrieving an indication of

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controls used to control media of the identified media type (Crites, Column 5 lines 36-65). Crites-Palm fails to distinctly point out a media bar having the same shape and position with different icons depending on media type. However Hatakeyama teaches a method wherein displaying a media bar for controlling the rendering of the of the identified media on the appliance wherein buttons of the media bar have the same shape and position regardless of the media type (Figure 7a, 7b, 7c) and iconic buttons change depending on the media (Figure 7a, 7b, 7c, Column 16 lines 11-17); wherein media type is inherently specific to each rendering appliances). Therefore it would have been obvious to an artisan at the time of the invention to combine the interface of Crites-Palm with the teaching of Hatakeyama's media specific icons. Motivation to do so would have been to provide a less confusing interface for the user limiting the number of buttons.

As per claim 12, which is dependent on claim 11, the Crites-Palm-Hatakeyama discloses a method wherein the buttons are horizontally arranged (Hatakeyama, Figure 7a,7b,7c).

As per claim 17, which is dependent on claim 11, Crites-Palm-Hatakeyama fails to distinctly point out circular buttons and the specific positioning of the buttons wherein the forward and fast forward buttons are right of the main control button and the back and fast back buttons are left of the main control button. However, Official Notice is taken that circular buttons and positioning of buttons is merely a design choice and is notoriously well known in the art examples of which are: Figure 5 wherein a "skin" is applied to windows media player to alter the look and feel of the player, or Figure 33 of

EP 0 637 157 A2. Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Crites-Palm-Hatakeyama with the current teachings. Motivation to do so would have been to make the interface more aesthetically pleasing.

Claim 18 is similar in scope to claim 17, and is therefore rejected under similar rationale.

As per claim 22, which is dependent on claim 11, Crites-Palm-Hatakeyama teaches a method including displaying additional buttons that are specific to the media type (Hatakeyama, Figure 7a, 7b, 7c, Column 16 lines 11-17).

As per claim 23, which is dependent on claim 22, Crites-Palm-Hatakeyama discloses a method wherein the additional buttons are not displayed as part of the media bar (Hatakeyama, Figure 7a, 7b, 7c item 64).

7. Claims 13,14,15,16,19,20,21,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crites et al ("Crites", US 6,097,380) and Palm et al ("Palm", US 2001/0042107) and Windows Media Player v.7.00 ("wmp7") in view of Hatakeyama ("Hatakeyama", EP 0 883 320 A2).

As per claim 13, which is dependent on claim 11, Crites-Palm-Hatakeyama fails to disclose the details of a main media bar. However, wmp7 teaches a method wherein discloses a method wherein the media bar includes a main control button (wmp7, Figure



1 item 10) a forward button (Figure 1 item 50), a fast forward button (wmp7, Figure 1 item 40), a back button (wmp7, Figure 1 item 20), and a fast back button (wmp7, Figure 1 item 30). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of wmp7 with the method of Crites-Palm. Motivation to do so would have been to provide a simple to use interface with all of the proper buttons to navigate and operate the media.

As per claim 14, which is dependent on claim 13, Crites-Palm-Hatakeyama-wmp7 discloses a method wherein the main control button supports play (wmp7, Figure 1 item 10) and pause (wmp7, Figure 3 item 310) functions.

As per claim 15, which is dependent on claim 13, Crites-Palm-Hatakeyama-wmp7 discloses a method wherein the media bar further includes an add activity button (wmp7, Figure 6 item 650) and a delete activity button (wmp7, Figure 6 item 660).

As per claim 16, which is dependent on claim 13, Crites-Palm-Hatakeyama-wmp7 discloses a method wherein the media bar includes a toggle view button (wmp7, Figure 1 item 60).

As per claim 19, which is dependent on claim 18, Crites-Palm-Hatakeyama-wmp7 discloses a method wherein the main control button is larger than the other buttons (wmp7, Figure 1 item 10).

As per claim 20, which is dependent on claim 11, Crites-Palm-Hatakeyama-wmp7 discloses a method including displaying a list of active activities along with the media bar (wmp7, Figure 8 item 830).

As per claim, 21, which is dependent on claim 11, Crites-Palm-Hatakeyama-wmp7 discloses a method wherein the media bar is similar in appearance to physical controls of a device (wmp7, Figure 1 items 10-50; *wherein controls are similar to those of a traditional cd player*).

As per claim 24, which is dependent on claim 11, Crites-Palm-Hatakeyama-wmp7 discloses a method including displaying a list of active activities along with the media bar (wmp7, Figure 8 item 830) and when an activity is selected displaying additional buttons that are specific to a media type associated with the selected activity (Hatakeyama, Figure 7a, 7b, 7c item 64).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crites et al ("Crites", US 6,097,380) and Palm et al ("Palm", US 2001/0042107) and Hatakeyama ("Hatakeyama", EP 0 883 320 A2) in further view of Partridge et al ("Partridge", US 6,657,646).

As per claim 25, which is dependent on claim 11, the Crites-Palm-Hatakeyama fails to distinctly point out a setup button. However, Partridge teaches a media bar including a setup button (Figure 4 item 98). Therefore it would have been obvious to an artisan at the time of the invention to combine the Crites-Palm-Hatakeyama-wmp7 with the teaching of Partridge's setup button. Motivation to do so would have been to provide means for a user to navigate to a setup page.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

The office notes that the factual assertion set forth under OFFICIAL NOTICE in claim 6 of the previous office action was not contested.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Pitaro whose telephone number is (703) 605-1205. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday, and every other Friday. The Patent Office is moving, after mid October the new telephone number where Ryan Pitaro can be reached is (571) 272 – 4071.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro

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Patent Examiner

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RFP

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